

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

THERIN RAY DANIELS,	§	
Plaintiff,	§	
	§	
vs.	§	C.A. NO. C-08-172
	§	
ARANSAS COUNTY, ET AL.,	§	
Defendants.	§	

**MEMORANDUM OPINION AND ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER AND FOR A TRANSFER**

Background

Plaintiff, an inmate housed at TDCJ-CID's Willacy Unit in Raymondville, Texas, filed this § 1983 lawsuit against Aransas County and Aransas County officials, alleging that while housed at the jail, defendants were deliberately indifferent to his serious medical needs (D.E. 1). Service of process was ordered. Plaintiff has filed a motion requesting a restraining order against officials at TDCJ's Willacy Unit because he alleges he is in danger of harm by other inmates (D.E. 30). He has also requested a transfer to a TDCJ facility with a better law library than the one available at the Willacy Unit (D.E. 28). For the reasons discussed below, plaintiff's motions (D.E. 28, 30) are denied without prejudice.

Applicable Law

In order to obtain a preliminary injunction, plaintiff must demonstrate that: (1) there is a substantial likelihood of success on the merits; (2) there is a substantial threat he will suffer irreparable injury if the injunction is not granted; (3) the threatened injury outweighs the threatened harm to the defendant; and (4) granting the preliminary injunction will not

disserve the public interest. Justin Indus. v. Choctaw Sec., L.P., 920 F.2d 262, 268 n. 7 (5th Cir. 1990). A preliminary injunction is an extraordinary remedy; it should be granted only if the plaintiff clearly carries the burden of persuasion as to all four factors. Mississippi Power & Light v. United Gas Pipe Line, 760 F.2d 618, 621 (5th Cir. 1985).

Plaintiff has filed his motions in the wrong case and wrong court. Plaintiff seeks injunctive relief – a transfer and protection – against officials at the Willacy Unit. Officials at the Willacy Unit are not not defendants in this lawsuit. This court does not have jurisdiction over the Willacy Unit officials. The Willacy Unit is in Raymondville, Texas, where the officials about whom he complains are found. Raymondville is located in Willacy County, which is in the Brownsville Division of the Southern District of Texas. 28 U.S.C. § 124(b)(4). Plaintiff should exhaust his administrative remedies and seek leave to file his motion for injunctive relief in the Brownsville Division of the Southern District of Texas. *See* 28 U.S.C. § 1391(b).

Plaintiff's motions for a temporary restraining order and for a transfer (D.E. 30, 28) are denied without prejudice.

ORDERED this 30th day of October, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE